

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE CHESTER COUNTY HOSPITAL, Plaintiff vs. INDEPENDENCE BLUE CROSS, et al. Defendants.	: : : : : : :	CIVIL ACTION NO. 02-2746
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**RESPONSE OF PHOENIXVILLE HOSPITAL TO
DEFENDANTS' MOTION TO COMPEL TO PRODUCE DOCUMENTS**

As the correspondence attached to Defendants' motion (Exhibits "B" and "J") makes clear, there was never any need for a motion to compel here. Defendants' counsel is and was fully aware of the great lengths to which Phoenixville Hospital (and the University of Pennsylvania Health System) has gone in the gathering and reviewing of documents said to be responsive to the subpoena.

As evident from the e-mail attached hereto (as Exhibit "K" so as to be in sequence with the correspondence already before the Court), the penultimate document production (hundreds of pages have previously been produced in response to the subpoena) has now been offered. The small number of remaining documents will have been reviewed by October 17, and produced thereafter. To date, no documents responsive to the subpoena have been withheld.

Since there is no reason or basis to grant the motion to compel, it should be denied.

Respectfully submitted,

Dated: October 10, 2003

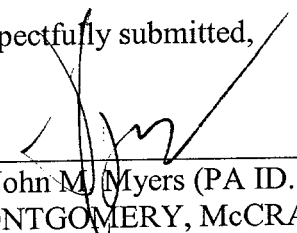
By: 
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EXHIBIT “K”

Myers, John

From: Myers, John
Sent: Friday, October 10, 2003 2:24 PM
To: Seth Goldberg (E-mail); 'paul.diamond@obermayer.com'
Subject: chester co. litigation - ibc subpoena/motion to compel Phoenixville

Paul and Seth:

I have at my office the penultimate set of documents responsive to the IBC subpoena. No documents have been withheld.

At this point, we believe we have produced the universe of documents responsive to the subpoena, except for one relatively small remaining group of documents that will have been reviewed by the 17th, and either produced or objected to promptly.

You may come to my office to review the documents. Or, as in the past, you can arrange for the copy service to pick up and return with these instructions:

1. all documents must be numbered and stamped "non party highly confidential"
2. originals returned to JMyers
3. copy of stamped, numbered documents also returned to jmyers
4. litigation parties to pay the copy service bill

Please advise how you will proceed.

Paul - May I assume that IBC will drop its Motion to Compel?

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Response of Phoenixville Hospital to Defendants' Motion to Compel to Produce Documents was served by way of First Class Mail, postage prepaid, on this 10th day of October, 2003 upon:

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